



**US v. Colton Harris-Moore:
No. CR10-336RAJ**

Mitigation Package

ROGERS & ROGERS MITIGATION & INVESTIGATION

Pamela L. Rogers
PMB #501
25 NW 23rd Pl., Ste 6
Portland, OR 97210
253-677-1897 cell

WA Lic.#2711
OR Lic.#33952
TIN: 20-5470206
mitig8r@gmail.com

August 24, 2011
Colton Harris-Moore
Cause No. CR10-336RAJ
Attorneys: John Henry Browne
Emma Scanlan

Mitigation Package

Colton Harris-Moore is a bright, soft-spoken, shy young man whose mistakes, while certainly not excusable, are arguably explained at least in part by an examination of the conditions under which he was raised and the abuse, humiliation and neglect he endured throughout his childhood. Colt blames no one but himself, however. He made bad choices and takes full responsibility and expects to be held accountable for those bad choices. He is embarrassed by the media attention. He's ashamed of his actions and is genuinely remorseful. Colt sincerely wants to make amends.

Again, while expecting to go to prison for his poor choices, Colt also hopes for and deserves the opportunity to build a life after incarceration. Colt isn't a violent offender, he's young and he has goals and potential. He desperately hopes to one-day have a career and a family and make contributions he can feel good about – and he's willing to work hard for that. Holding him accountable with an eye toward reconciliation and redemption is both fiscally and morally responsible. A lengthy prison sentence is counter-productive in this unique case.

Social History:

In order to gain insight regarding Colt, it is critical to understand his mother, as she was the consistent and toxic presence that shaped his childhood experience and development. She's been described by her own family members and others as "vile, hateful, vicious, manipulative", and "venomous". Certainly, her early years molded her just as she molded Colt.

Pam Harris Kohler was raised in Ellensburg, the daughter of two alcoholics. Her home life was chaotic and she carried that chaos into her adult life as well. Family lore speaks of an incident during her childhood when her drunken father attempted to run her, her mother and her sister over with his truck. Pam reports that she has been drinking "pretty much all the time" since her teenage years and family members confirm that report. She continues to drink daily and is characterized as "a mean drunk" by those who know. Colt knows that all too well.

Pam's brother, Ed Coaker, said of his sister, "When Pam drinks one beer she gets mean and when she drinks two beers she wants to fight. But, Pam drinks twenty beers."

According to Ed, Pam is the youngest of three siblings. He is the oldest. Their father died in agony of cirrhosis of the liver and their mother died of throat cancer, likely caused by a lifetime of smoking and drinking.

When Pam was about 12-13 year old, their parents divorced and the children stayed with their mother who was forced to go on welfare. Ed recalls vividly having been hungry and is confident that Pam experienced that as well. He said that Pam was a bright child and a good student. Their mother eventually remarried and she and their step-father paid for Pam's tuition to business school.

Pam at one time had a good job with the Navy at Sand Point, but quit "to stay home and stay drunk", according to Ed. He said that "...she drank daily – all the time – hell, she would wake up to a beer".



Pam Kohler with Colt's dog, Melanie.

Pam has a son from a previous relationship who is about 20 years older than Colt. That son, Paul Burkett, lives with his father in Granite Falls and is, for the most part, estranged from his mother though they apparently talk from time to time. He and Colt have a friendly, though not particularly close relationship. Paul had left home long before Colt's birth.

Paul, now almost 40 years old, suffers from a brain injury. Colt recalls being called to the principal's office when he was in the third grade because his mother had come to pick him up from school on her way to Seattle where Paul had been airlifted after falling from a second or third-story roof. He was in critical condition, having sustained a devastating head injury. Paul was in a coma for months and Colt missed school during that time to stay with friends of his mother while she spent time at Harborview Medical Center with Paul. Paul, while still impaired, made a remarkable recovery, despite doctors' predictions that he would never walk or talk again.

Pam's brother said that while Paul does suffer from brain damage resulting from the fall from a roof, Paul was always intellectually slow and Ed believes this was because Pam drank constantly during her pregnancy with him.

According to Ed, the men Pam dated "had to prove that they had done time in prison". She met men through prison pen-pal programs, then let them come live with her and Colt when they got out, he said.

Pam always told Colt that she met his biological father, Gordon Moore, in a bar where she was drinking and listening to music. He was reportedly playing pool and making noise, so Pam yelled at him to be quiet. Gordon liked her spunky attitude, and "the rest is history", Colt notes. According to Pam, she and Gordon never married but were together for five years prior to Colt's birth. She said that they both very much wanted a child and that she tried to conceive throughout those first five years. Colt was Gordon's only child. Pam was then 40 years of age.

Pam claims that she drank only until she learned that she was pregnant, but concedes smoking "lightly" throughout the pregnancy. Family members are adamant that she drank and smoked cigarettes as heavily while pregnant as previously. Her brother, Ed Coaker, admitted that he drank with Pam and said that "her pregnancy didn't affect her drinking whatsoever" and "...she would drink until she couldn't hardly walk".

Colt was born via C-section in Mt. Vernon, Washington on March 22, 1991.

Pam, now 60 years of age, hasn't worked consistently since Colt was a toddler. She said that she worked as an accountant for the Navy at Sand Point when Colt was a baby but the shirt-tail relative who was caring for him "was drugging him with downers and I could tell because he was acting all drugged up". She claims she

didn't report the alleged abuse because she was convinced that authorities wouldn't believe her and would think that it was she who was drugging him. Colt then stayed briefly with Pam's more-stable sister, Sandy, but Pam felt that Sandy was allowing the baby to sleep too much during the days so she quit her job to stay home with him. She's not held a full-time job for more than a couple months at a time since.

When Colt was a toddler, Pam, with loans from her brother and sister, bought the property on Camano Island where Colt would live out his childhood. The site is a two-bedroom, single-wide trailer on five fairly secluded acres surrounded by forest. It's a beautiful location – absent the dilapidated trailer. In all fairness, Pam Kohler did one thing right: She raised Colt in the woods. Even as a small child Colt came to love being outside and he loved animals. Colt carved out a place for himself in the midst of the chaos of life with Pam Kohler by playing in the woods with his animals. Pam kept chickens and Colt named each one and knew their personalities.



Colt's childhood home.

Colt loved animals, stating "All my childhood memories of our animals are good ones. We had dogs, goats, pigs, cats and even the occasional baby bird that falls out of its nest in the spring".

Gordon Moore:

Pam claims that her relationship with Colt's father was exceptionally good for the first few years and that the little family was happy and functional. She describes "Gordy" and Colt as having been extremely close and said that Gordy was a devoted father who worked consistently and contributed to the family. She said that when Colt was about three to four years old, Gordy reportedly stopped coming home from work on time and began spending his paychecks at local bars. Soon, according to Pam, he began seeing other women and staying away from home for days at a time.

Pam proves to be at best a poor historian. Records indicate that Gordon Moore was a violent alcoholic and drug user who was in and out of jails and prisons prior to and after Colt's birth. He was in the home infrequently and when he was there, he and Pam were usually drunk and fighting. Colt has few good memories of Gordy.

Colt recalls of Gordy; "Gordy is what you call a 'violent drunk', meaning that when he drank he became more angry. Him and my mom would usually start off the afternoon with a fire for a BBQ, drinking, and by midnight they would both be arguing and on the verge of physically fighting – or more accurately, Gordy hitting my mom. When I was really little, maybe five years old, I remember overhearing an argument they were having about money he owed for child support and Gordy becoming so mad that he literally picked my mom up and threw her across the room. My mom remembers this fight and claims that that's when her back was broke, and she has had various back problems ever since. I know the rage Gordy is capable of because I have experienced it first hand. There have been many times when I was beat because Gordy was drunk and furious. The most recent time was during a family BBQ where I refused to go into the house and bring out ketchup, and that was all it took to set Gordy into a rage. I was grabbed and dragged into stinging nettles next to the woods and beat. I called the cops and Gordy, drunk, stumbled into the sticker bushes in an attempt to hide from the police there."

Records indicate that during Gordy's angry assault on Colt, he told the boy "Don't you know, I have killed three men because of my anger?" Colt was appropriately terrified of Gordy when Gordy drank and went into rages. Records continue, "Referrer report child disclosed throughout last night's episode his mom was drunk and screaming at him, and after the police left, she stumbled around asking "what are you going to do now they've taken your father away?" Referrer reports child disclosed mom blamed him for dad going to jail." Gordy had apparently been arrested for outstanding warrants. Pictures were obtained of Colt's injuries.

Colt denies having ever felt a father-son connection to Gordy, never referred to him as "Dad" and claims to not have known him very well because Gordy was gone more than he was in their lives. "He would usually show up out of the blue in the spring, or when he got out of prison. He would always be carrying groceries, something to BBQ and beer. He would be there anywhere from a few days to weeks to a couple months. Him and my mom would always be drinking and drunk. It would not be unusual for my mom and him to binge for weeks, be sober for a day for no other reason but because she had to drive to the store to get more beer and the store she would go to refused to sell her beer if they thought she was intoxicated."

Colt said "Having parents who would be on drunken stupors for weeks was particularly embarrassing because they would spend most of their time outdoors and even though we live on a property surrounded by woods, the neighbors are just through the woods. When they would start arguing, they would yell at the top of their lungs. Like I said before, the property and neighborhood is relatively quiet, sometimes silent at night. When they started arguing outside all the neighbors could hear F-words, yelling, cussing, family business, child support accusations, etc." Colt reports that neighbors called the police about the disturbances frequently. Colt went on to say: "My neighbors weren't the only ones who knew about this: teachers, my friends, the police, etc. It was extremely embarrassing to say the least. I actually couldn't have friends over because of this – I would go to my friend's house instead."

Colt said that his parents arguments always revolved around one issue; that being Gordy's failure to pay child support to Pam, followed closely by each parent accusing the other of turning Colt against them. Colt, of course, was a captive child witness to every fight.

Colt is introspective about the situation with his biological father, saying "Regardless of who Gordy is and the rocky childhood he helped to create, I still kind of feel bad thinking about what he must have thought to have his own child refuse to call him dad. I do wish I had more of a relationship with him and that the last time we saw each other it hadn't been on terms of violence." Colt last saw his father, Gordon Moore, when Colt was about thirteen years of age. During that last visit, Gordy reportedly told Colt that he was going to Las Vegas and would be back when Colt turned 16 years of age "So I can kick your ass without going to jail." He wasn't joking – though he never returned.

Moore, now 59 years of age, has been in and out of jails and prisons all his life, mostly for drug, driving, theft, forgeries and domestic violence offenses. He has 22 entries in Washington State for criminal court contacts between 1989 and 2001. It

appears that he has lived in Nevada since around 2001. He was arrested as recently as February, 2011 in the Reno area for Contempt for Court and FTA.

Colt notes, insightfully, "Both my parents suffer from addictions older than me".

There's a conspicuous overlap between Pam's relationship with Gordy and her budding relationship with her next husband, Bill Kohler whom she met through a prison pen-pal program.

Bill Kohler:

Bill, incarcerated for drug offenses, was released from prison to live with Pam and Colt. He and Pam married, but Bill's sister, Gail Kohler recalls that Bill was there only because "he had nowhere else to go". Bill complained to his sister that Pam's ex-boyfriend was around too much and that Pam was a drunk who got loud and mean every night, but he cared for Colt.

Gail Kohler said that Bill was always comfortable in the outdoors and loved animals. She said also that Bill told her that he and Colt spent a lot of time in the woods together, often to get away from the trailer and Pam, and that they both enjoyed those long times together.

For a period of several months, Pam lived (and slept) with both Gordy and Bill – and Colt was in the middle of all of this. The three adults lived together – drinking constantly and fighting. Pam now speaks proudly of the situation and said she feels good about it and believes it was "healthy". Colt was four years old when Pam married Kohler, yet the overlap apparently continued sporadically for several years. Particularly telling in regard to that period are cards Colt made when he was apparently around five or six years old, as he had begun writing. Note what must have been Colt's struggle to understand and absorb this bizarre situation as he writes:

"I love Bill – I love Mom – I Love Gordy".



Note also:

"I love Gordy – I love Mom and Gordy – And I love Bill - I love everybody".



Eventually Gordy left and returned infrequently. Bill Kohler, according to Pam, was good to both Pam and Colt. Pam's description of their Ozzie and Harriet life as a family doesn't match what is documented, however. Bill Kohler was an alcoholic and heroin addict whose contacts with law enforcement at least equaled those of Gordon Moore, though Kohler was likely less violent toward Pam and was never abusive toward Colt.

Gail Kohler recalls having met Colt only a couple of times, the first being when he was only about four years old. She said that she remembers Pam calling him a "little bastard" and telling him she wished he had been born dead.

Gail recalled also that Bill once brought Pam to a family dinner during which Pam got angry at Bill and "called him filthy names right in front of everyone and our whole family was just appalled". She went on to say of Pam, "She was just a horrible person to him (Bill) and to everybody. That little boy never stood a chance."

Gail recalled an incident in 1996 when she and her husband drove with Bill to Pam's house to pick up a check. She recalls driving down the long driveway and that Pam came out onto the porch of the trailer where she and Bill talked in a calm, friendly manner. Gail had no sense that anything was wrong. Colt was standing on the porch near the two – everything seemed fine. Suddenly, according to Gail, a loud car came "screaming up the driveway going so fast it was sideways – and Pam started yelling over and over to the driver 'kill him, kill him'." Bill ran to Gail's car, clearly fearful and saying that the driver had a gun. They left as quickly as they could. Bill told them that the driver was one of Pam's former boyfriends. Gail said that she felt especially sorry for Colt, adding "I will never forget the look on that poor, little guy's face".

Of Bill Kohler Colt writes, "He was a heroin addict and seemed to have just about the same schedule as Gordy. ...but I never once saw him when he was high. I never saw the drugs or anything related, either. Believe it or not, I always had more of a relationship with Bill, and looked at him as more of a father than Gordy. A couple of my best memories are of Bill with our animals, when I was six to ten years old. I got along with Bill really good and liked having him around, but he was also in and out of prison and wasn't around very often. His death in 2002 hit my mom really hard and she is still bothered by it to this day. She misses him a lot and I don't think she has really come to terms with his death and moved on. I was bothered by his death, but I don't think it had the affect on me that it had on my mom. I also think I was at an age where I didn't really grasp what had happened."

Pam claims that Kohler died in his sleep from a heart attack in Oklahoma while helping relatives move, and that their marriage was intact, stating "He was the love of my life. We were together for 10 years and his ashes are still in my closet".

Bill's sister said that when he died, Bill had been out of prison for only a couple of days and was with their uncle, moving to Florida with plans to make a new start

there, as “He couldn’t stand Pam and wanted to get away from her. He was definitely leaving her and they hadn’t been together much anyway”. On the way they stopped in Oklahoma where they got two rooms and visited friends. Bill apparently drank a bottle of narcotic cough syrup from the medicine cabinet of one of the friends, subsequently dying in his sleep.

Remarkably, CPS records indicate that Gordon Moore had returned to the family home prior to and after Kohler’s death.

Colt’s third and almost equally dysfunctional father figure entered his life when he was about ten years of age.

Van Johnson:

Van Johnson was and remains just a drunk, which was a significant step up from Gordy and Bill, at least in terms of substance abuse.

Pam met and became involved with Van in 2000 – while Colt was in the fourth grade. Again, there seems to be overlap in relationships, as Pam claims to have been happily married to Bill until his death in 2002 and Gordy was clearly still around, if sporadically, during that time.

Pam and Van met when she put an advertisement in the local newspaper requesting help clearing fallen trees on her property. She couldn’t afford to pay for the work, so offered housing and barbecues, and as Colt remarked, “That was good enough for Van.”

Colt would say that Van “... ended up being the most fatherly person in my life”. Van and Pam actually worked together at Bayliner Boats for several months. He was a day laborer, but did work more consistently than had Bill or Gordy. Van still stays with Pam from time to time.

Van did hit Colt, at least once. Of that incident Colt relates, “... I had wanted to ride my bike around our street, but it was raining out and Van wouldn’t let me get my bike. I tried to sneak it out of the house and he hit me. I was so distraught that I ran to the end of the road and stood in the rain for two hours until the bus came – the first time I had ever rode the island transit – into town to one of my mom’s ex-boyfriends’ house, Mike Showse, who I felt safe with. I told him that Van hit me, since he didn’t like Van he called the police and Child Protective Services. I talked to my mom on the phone that night and it was planned that she would be into town to pick me up, but I never saw her. I was woke up and the police were there with

social workers. I was absolutely terrified – I didn't know these people and they were asking me questions, leading me around, and then they put me in their car. The locks clicked and I couldn't get out. I didn't know what was going on! They started driving and a couple hours later we drove through some strange neighborhood in Everett and I was taken to a house I had never seen. I was told this was my new home. I wanted so bad to escape these people. The place they brought me to was a foster home and I was there for about three days until my mom met the requirement set by CPS. I did go back home, but that event really instilled in me to never ask for certain kinds of help- that when you ask for help something like that always happens; it causes more trouble than its worth and it can be scary as hell."

Maternal relationship:

Pam Kohler has, according to her own brother, "no morals whatsoever – she deserves absolutely no respect". She creates drama and chaos constantly and dragged Colt through all of that his entire life, almost daily. Its reported that even when Colt was very young she told him she wished he had been born dead, that he was stupid and that she hated him. Her angry, drunken tirades were directed at Colt from the time he was a baby. Colt spent his entire childhood being screamed at by Pam while living in poverty, in a too-small space, isolated from neighbors. Having alienated most of her family, Pam saw to it that Colt had no resources beyond herself. Colt had nowhere to go and no way to get there.

It's interesting also to note that all three of the men in Pam's most serious relationships were physically abusive toward Colt, and Pam was apparently agreeable to that.

Pam's brother, Ed, said that his childhood was somewhat similar to Colt's in that their family was poor and their parents were alcoholics, "But Colton had it worse than me. He had a crazy, mean, drunken mother and convicts on the couch."

There is no documentation of any mental health issues from which Pam may suffer, probably because she is unwilling to be tested or receive counseling.

Pam's brother, Ed, relates an incident which occurred when Colt was about 3 years old: His son had gone to stay with Pam and Ed had not heard from him, so traveled to Camano to check on him. When he arrived at Pam's trailer he found his son on her couch, unconscious and unresponsive. Ed sought help and believes that his son would have died had he not found him in time. Though just a little boy, Colt witnessed all of this. When Ed confronted Pam, whom he believes had provided the drugs and alcohol that had almost killed his son, Pam became belligerent and

screamed at him that “it was her house and she could do whatever she wanted and it was none of my business”. Ed said that after that incident “She became dead to me. I killed her in my mind and haven’t had anything to do with her since. She has no pride – she’s a lazy slob.” He added that he has always felt guilty for not stepping up and doing something to help Colt over the years when he knew Colt was being abused and neglected, but he didn’t think there was truly anything he could do to get past his sister. “She wouldn’t let anyone help him.” Ed articulates that he firmly believes that Colt acted out in the manner he did because of his mother and he feels that Pam should go to jail for the years of child abuse she inflicted upon Colt.

Pam consistently sought to shame Colt and made him complicit in her secretive lifestyle. Two weeks after the death of Bill Kohler, during a time that Colt was grieving not only his step-father’s death but also that of his dog, Kodi, (which for him was a tremendous loss), Pam took Colt to the doctor for a school checkup yet made no mention of the situation. Pam’s explanation is that “it wasn’t nobody else’s business”. Colt wasn’t allowed to discuss his home life outside of the home – ever – and the consequences of talking were severe. This was a closed, shame-based family system wherein Colt was the scapegoat.

Pam’s alcohol addiction affected Colt on multiple levels. He writes “... my mom is also a heavy alcoholic ... No question that her entire life, house, family and friend relationships have been ravaged by her alcoholism. She always has and always will deny what her drinking has caused others and the power it has over her. She blames other people for virtually every problem she has and has gone so far as to blame me for her drinking, also. I have known my mom to drink my entire life ... I will say that she will always be in denial and will probably always drink. This is the number one, and as far as I am concerned, the only problem my mom has that prevented a friendship with me as well as other members of our family.”

Since his current incarceration, Colt has elected not to allow his mother to visit him.

Colt’s childhood friend, Anne Pitser, said that even in the 2nd grade, Colt preferred to go to her house to play rather than his because “He and his mom didn’t get along because she was always yelling at him.” The two lived about one mile apart, through the woods, and played together whenever they could.

Colt explains, “I wish things had happened very differently and that there wasn’t so much pain in all of this. From such a young age I was surrounded with dysfunction and I am really just realizing now how severe it was/is, now that I am at an age where I would say I am mature enough to process what it was and why; questions I

never had the ability to answer when I was younger. Moreover, I am at a distance from that life ... There is so much alcoholism and dysfunctional, economic problems and severe poverty, as well as an uncertainty I cannot describe. I not only resent that I was forced to live in that and have to deal with third-world problems that absolutely no child should have to up until the time I went on the run at 15 years old, but also that it continues to this day in my mom's own life. I wish my mom's life and other peoples' lives were so much better. I don't like to think that my mom never reached many of her dreams, and that she ended up living a life where she has various ailments, problems and disappointments and is not happy. I want my mom to be happy."

Shauna Snyder is a defense investigator who worked on Colt's juvenile cases in Island County. She remained in communication with Colt and Pam since, in hopes of helping Colt when she could.

Shauna noted that Pam has "multiple issues" not limited to her alcoholism. She believes that Pam loves Colt but is "toxic" for him and that Colt was raised "... in a mind-numbing absence of hope with absolutely no integrity or moral guidance from his mother. Pam is beyond negative – no nurturing, she's a racist, bigoted – she couldn't possibly mainstream," according to Shauna. Pam "is vile, nasty, mean-spirited and delights in plans to screw someone over". She said also that when Colt was on the run he spoke to Pam on the phone from time to time and told her that she had warned Colt that "the cops and bounty hunters were going to kill him". Colt believed that.

Pam, according to Shauna, never encouraged Colt and even told him that he would never graduate from high school. Colt endured a childhood filled with being berated and humiliated by a mentally ill, alcoholic mother.

She described Pam as "an absolute attention whore" who loves talking to the media. She calls radio stations hoping for interviews and articulates her expectation of becoming fabulously rich from proceeds of Colt's sad situation. Pam asks \$250 per picture of Colt and \$1,000 for interviews. She reports that she plans to write a book. She even tried to charge for pictures included in this package, intended to help her son.

Shauna remains in touch with Colt and finds his matured attitudes and morals remarkable, noting "He learned honesty from a liar – kindness from the unkind. He's a very good kid who started running away to get away from Mom". Shauna is convinced that if Colt were released today he would never be in trouble again.

That attitude is echoed by others, including Bill Kohler's sister, Gail, who contends "Colt isn't a criminal type. He made mistakes, yes, but locking him up with real, hard-core criminals for a long time is only going to ruin him."

Remarkably, Colt was in foster care only one time and for only a few days. He had a terror of being removed from his mother's home (assumably because that was all he knew) and reports indicate that when he was a young teenager he conceded that he "had never disclosed to Compass Health clinicians the extent of the physical and verbal abuse by his mother for fear that he would be taken away from her and placed somewhere else."

When Colt was 10 years old, an anonymous caller reported that Colt was at her home and was afraid to return to his house because, according to CPS records, "he is afraid of his mother's boyfriend, Van Howard Jacobsen, that the boyfriend has called him names and gets rough with him. Colt reports that he was arguing and calling the boyfriend names on Friday, June 1st and the boyfriend kicked him leaving a small bruise on his arm. Colt said that he was provoking the boyfriend, does not like the boyfriend." The CPS caseworker "... contacted mother Pamela Kohler and informed her that a caseworker would be in contact with her first thing Sunday morning. Gwen reports that Kohler was argumentative and disagreeable. I contacted Kohler after Kohler called this office.... Kohler sounded intoxicated over the phone. She was threatening, argumentative and hostile in tone. CPS agreed that it was in Colt's best interest not to be returned to the home at this time ... I called Kohler with the additional information. Kohler was still threatening in nature and hung up the phone. Additionally, Kohler called the reporting party and told her she was going to have her arrested for kidnapping."

The following day an Island County sheriff's deputy accompanied the caseworker to speak with Pam Kohler. The report speaks volumes: "Kohler appeared to be dirty and unkept.... Upon entering the residence I immediately noticed it was extremely dirty. Clothes, papers and dirt were covering the floor. The back bedroom was not being used. The bathroom appeared to have running water and facilities, however it was extremely dirty. Colton's bedroom was very small and the floor was piled with clothes, toys and dirty dishes. I was literally unable to walk into the bedroom without stepping up onto the soiled clothing etc. I observed a large hole in the window, opening directly to the outside."

"The living room was also extremely dirty with a large pile of clothing, papers etc. in the middle of the floor. The couch was made into a bed. The kitchen of the

residence was dirty as well. Mold lined the sink and countertops. Remnants of food were left on the floor and countertops. Upon inspecting the refrigerator we found it to be full of mold and mildew. The refrigerator was fairly empty. The food found in the refrigerator appeared to be spoiled with the exception of a dozen or so eggs. The freezer contained one bag of French fries and was completely covered with mold. The shelves near the refrigerator contained a few cans of food."

Beginning when Colt was about 11 years of age, his relationship with his mother escalated to physical, knock-down, drag-out fights and that continued until he ran away. Both hit, yelled and threw things at one another and those incidents occurred on an almost daily basis. It was chaos.

Bev and Geoff Davis live about three miles from where Pam and Colt lived and they met Pam when Colt was about five years old. Bev recalled that Pam would come to their house every few months to borrow money from them, leaving her shotgun as collateral. The Davis' only agreed to this in hopes that some of the money they loaned Pam would be used to buy food for Colt.

Bev came to know Colt fairly well, all the while pretending to like Pam because she otherwise would have had no access to help Colt.

Geoff Davis would frequently go to Pam's home at her request to fix things, after which he would comment to Bev about the "low-life, criminal type guys hanging around that house with that poor little boy right in the middle of it".

Bev said that neighbors talked about Pam and Colt frequently and it was generally understood that "that boy never had a chance". There was much concern about Pam as well because it was common knowledge that she would frequently get drunk and shoot her shotgun into the woods while swearing at the top of her lungs. Neighbors reported the problem to the police but, again, nothing was resolved.

Bev recalled a time when Colt was about 12-13 years old: He called her on the phone, laughing, and said "You wanna hear something?" He then apparently held up the phone as Bev clearly heard Pam screaming "You Goddamn motherfuckin' sonofabitch" followed by shotgun blasts.

Bev said that she came to realize, when Colt was about 12 years old, that he was sleeping with his mother. She ascertained that when Colt made mention that his mother "pukes in her sleep" indicating that it was uncomfortable for him at night. Concerned, Bev essentially courted Pam into allowing her to fix up Colt's bedroom.

"The only way to get to be with Colt was through Pam". She said that she scrubbed the floors and walls of the very small space, brought in a bed for him with sheets and nice bedding and essentially turned the space into a real bedroom. Bev saw no indication that Colt had any previous sleeping space that was just his. Pam sat on the couch while Bev did all this. Bev said that she believed at the time that Colt was happy about the improvement, but said also that by then he had developed an almost flat affect.

The Davis' were concerned about Colt's emotional development in part also because Pam was woefully inconsistent. Bev said that one minute Pam would hug and kiss Colt and call him her "little booboo bear" and then, literally within minutes, explode at him, saying things such as "you little bastard – I wish you were dead". Colt never knew what to expect and had learned, appropriately, not to trust Pam. Nevertheless, speaking of Colt as an adult, Bev said "I'm amazed at his healthy attitude. Colt hasn't been totally damaged by all this".

Bev noted that she can't imagine how Colt lived under Pam's influence all those years without having become violent. She finds his self-established moral ground refreshing and remarkable, adding that she has kept in touch with Colt since his arrest and is impressed at how he has matured. She is confident that Colt could have enjoyed a normal, successful adolescence had it not been for the stifling, paralyzing, humiliating influence of his mother. Bev laments that she didn't have the opportunity to raise Colt, saying "He doesn't have a mean bone in his body – he's the sweetest, kindest – I wish he had been my little boy".

According to Bev, every good thing that Colt was able to start was taken away from him by Pam. Colt loved playing soccer but she refused to drive him to practices and games after a short time. Colt started Cub Scouts and was enthusiastic about it but, again, Pam put a stop to it. Geoff Davis liked taking Colt to boat shows and other places and Colt loved to go. Geoff wanted to expose Colt to how other people live. One time, Geoff called Colt and invited him to go somewhere with him, to which Colt was enthusiastically receptive. Pam however called them back immediately and threatened to sue them for kidnapping if he came to pick up Colt.

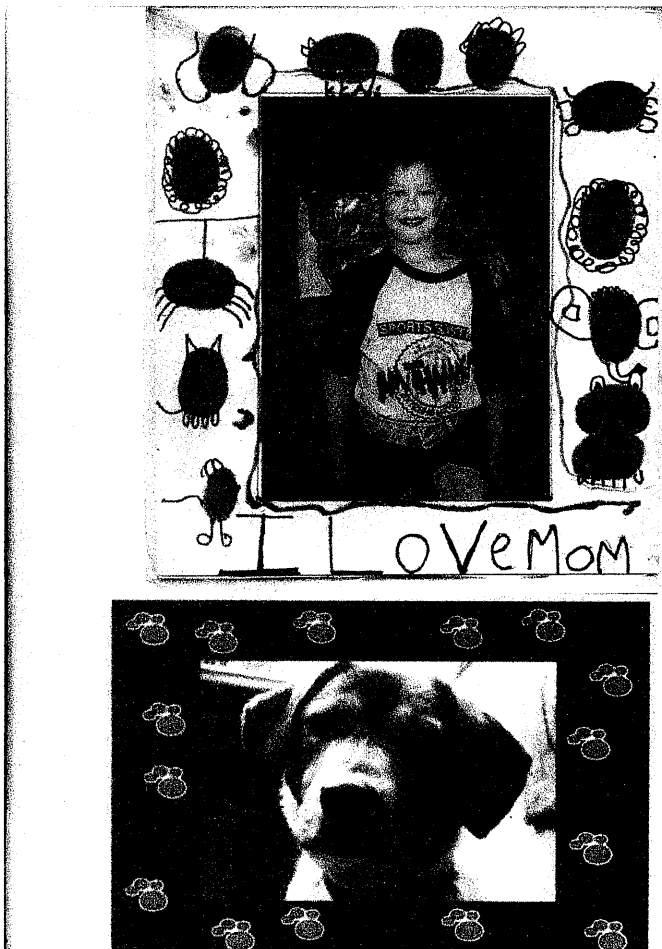
Geoff and Bev felt that having a strong, responsible father figure would be good for Colt, but Pam took exception to it, yelling at the Davis' that Colt was her child and not theirs and then stopped allowing Colt to spend time with them.

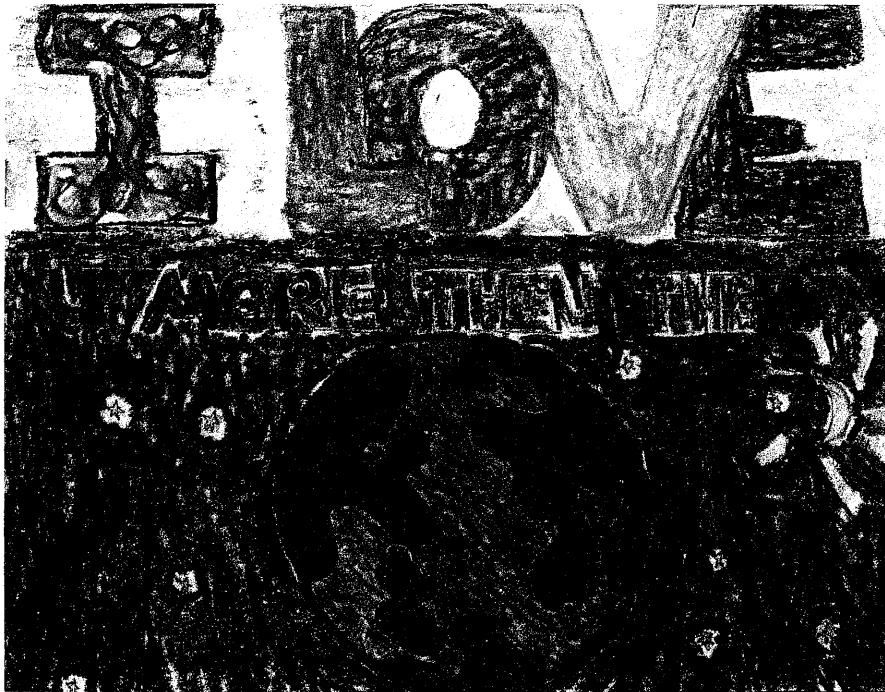
Over the years, the Davis' got to know Colt and his mother and became increasingly concerned about Colt's well-being. Bev said that she contacted CPS and the local

police, voicing her observations that Colt was being neglected and physically and verbally abused, and she remains frustrated that Colt was never afforded the attention from authorities that he so obviously and desperately needed.

Regarding the notoriety that Colt's case has generated, Bev and Geoff Davis say that they are saddened to see Colt's childhood pain turned into other's entertainment.

Despite a childhood of neglect and physical, verbal and emotional abuse, Colt loves his mother and wants her to be happy. He worries about her and has empathy for her, all the while distancing himself. As bad as Colt's life was, Pam was all he had and Colt was the only consistent relationship she had. As a seasoned CPS Director once noted, explaining why abused children remain loyal to their parents, "Bad breath is better than no breath."





Drawn for Pam by Colt.

Poverty:

Another constant in Colt's life was hunger. Pam received SSI benefits of \$1,100 per month for both herself and Colt and bought food early in the month when her checks arrived, but only after having stocked up on beer and cigarettes. Colt vividly recalls there being literally no food in the house for most of the month, every month. He began breaking into neighbors' homes during late elementary school, raiding their refrigerators. He often returned to the same houses time and again and believed that the neighbors were never aware of the situation.

Of that time, Colt explains, "I was in 6th grade and 13 years-old when I broke into a house for no other reason but to steal food. I was truly desperate, and just that hungry. I knew where this person worked and had a good idea of their schedule, so the next time they went to work, I snuck through the woods onto their property and broke in, going straight for the fridge. I only took small food items, as to avoid suspicion of a break-in – so I could come back the next time I was hungry. I continued to break into their house every couple days for months. Once I would get food I would run back through the woods to my property and hide the food. I decided that I couldn't keep taking food from that particular house and I started going to other places at night. That is when I found out I could get food from other peoples' houses."

Colt relates, "With me being a teenager and growing, the food never lasted into the second week (of the month) and there was quickly and literally zero food in the fridge. Absolutely zero. My mom, being comfortable with the idea of not having food in the fridge and living in third-world poverty, came up with a quaint name for the time of the month we would be going without food, she called the 2 to 3 weeks with zero food "the starvation days". Remember that there is no longer money to buy food – or beer – and this is when my mom would sell my things or pawn something or borrow money – for beer."

Pam spent the bulk of their resources on beer. Colt describes the process for recycling beer cans: "At the end of our driveway there is a turn-around spot that forms a circle. In the center of this circle is an island of a few trees, a power box, a parking spot, and mounds of garbage from years past. When I lived there, there was a pile of no less than a couple-thousand beer cans and a few wine bottles. Over the years, this pile of beer cans maintained a mass so large that when the time came to take the cans to the recycling factory, it would take several truck-loads and several days to take them all. Unfortunately, environmental protection wasn't on the mind when recycling these aluminum cans, but rather they were a source for cash to buy more beer – self-sustaining addiction, you could say."

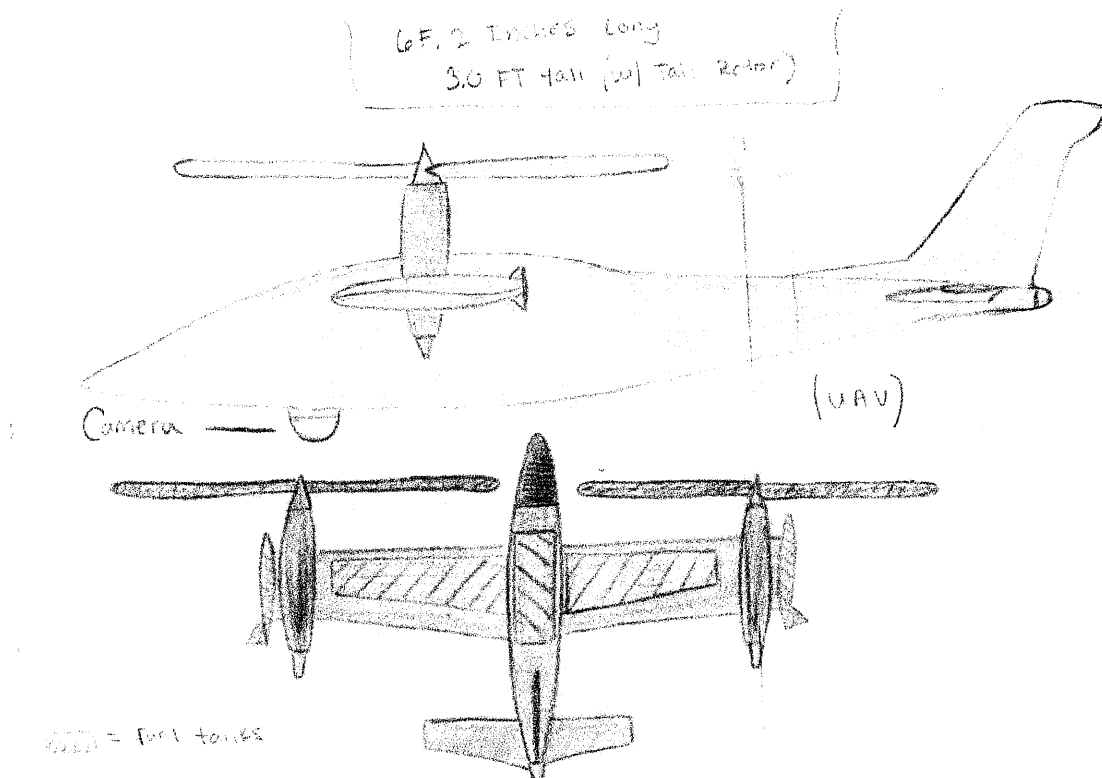
When Colt was about seven years old, he and Pam started a piggy bank savings for a trip to Disneyland. For years Pam had promised Colt a trip to Disneyland and though he had experienced the disappointment of her broken promises all too often, he believed this one. Colt made the piggy bank container and painted it and was uncharacteristically excited about the trip, only to have the money that they had saved stolen by Pam for beer and cigarettes.

Another time, Pam gave Colt the Sony Playstation he had wanted for Christmas, only to sell it a few months later for \$60 to buy beer and cigarettes. Colt notes also that she bought food only after she had beer and cigarettes – "and even then, it was only a few days worth of food".

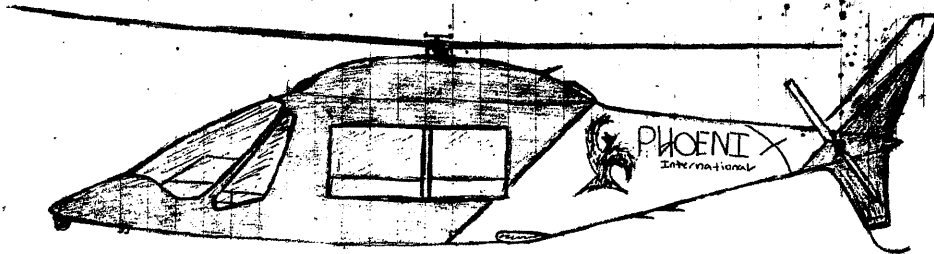
Airplanes:

Colt noticed airplanes flying over his home by age three and by age four began drawing them. On the first day of kindergarten, he reportedly brought to school a plastic pencil sharpener shaped like an airplane. The two teachers asked all the children what they wanted to be when they grew up and Colt told them that he was going to be a fighter pilot.

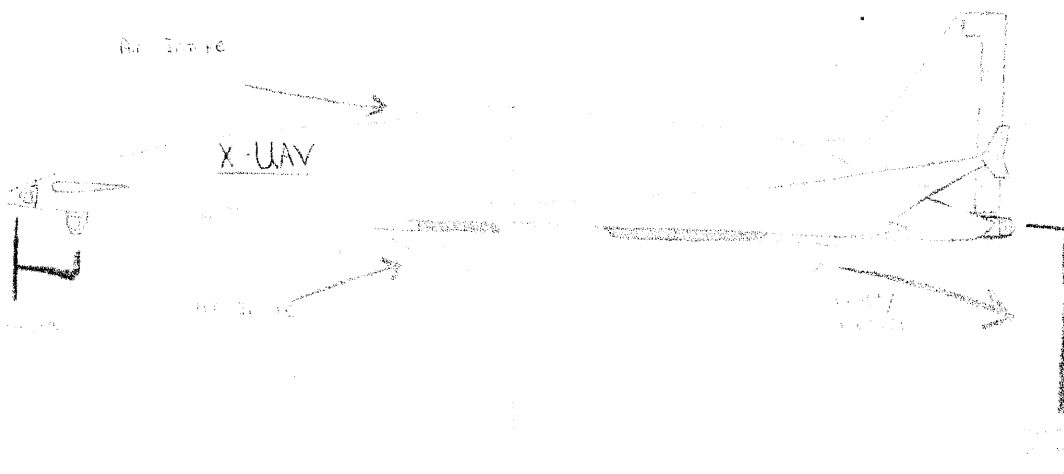
Not only was Colt interested in learning to fly, but even as a child he also studied how airplanes work and drew his own designs. Colt's aunt, Sandy Puttmann, who spent considerable time caring for Colt when he was young, characterized Colt as having been "obsessed" with airplanes as a child. Every childhood friend and the parents of those friends who were contacted in preparation of this package recalled that Colt loved airplanes as a child and wanted to fly.



Agust, A109C Power, "Phoenix"



- max Speed: (196 mph)
- max Range: (749 km)
- Base Price: (\$1,000,000 +)
- min. HP (1101 HP)



Colt's interests:

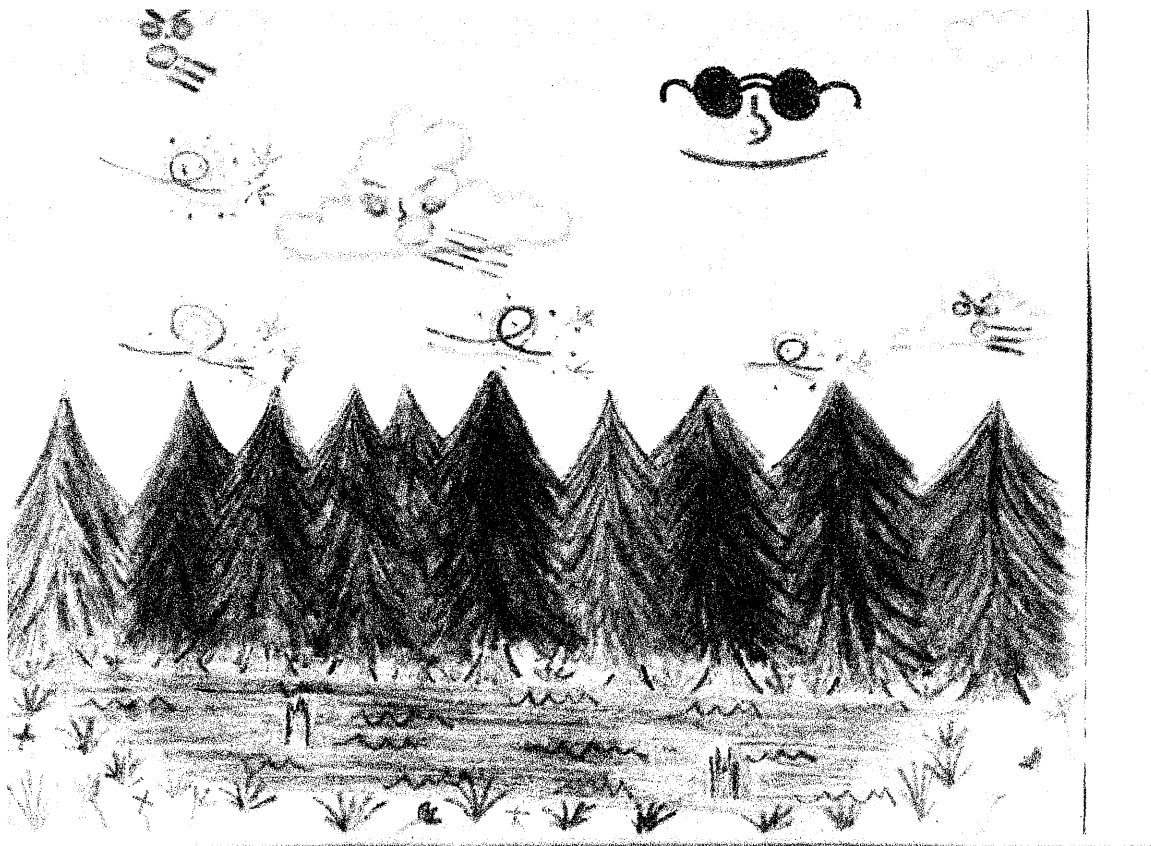
Colt's few available drawings from the time he was quite young until he went on the run around age 15 speak volumes. What we don't see are drawings of dragons, demons, knives, swords, monsters ... so often the creations of young offenders. Colt drew airplanes and animals; dogs, cats, chickens, geese and nature scenes.

Of course, Colt's overarching interest throughout his short life, has been airplanes and flying. Anne Pitser was Colt's best friend during early middle school and she lived about one mile from where Colt lived with Pam. She said that they played in the woods constantly, building forts and climbing trees. She recalled the Colt "absolutely adored" his big, gentle, white dog, Kodi and that he was extremely fond of and kind to animals.

Poignantly, she recalls Colt having told her that his father was a pilot and that when he grew up he was going to be a pilot like his father. She said that she recalls, even from the 2nd grade, that Colt loved airplanes.

Colt has had two dogs in his life and both of those "relationships" are remarkably significant to him. His first dog, Kodi, was with him until about 2002 when he died. Colt speaks of that year, "This was the year Kodi died from cancer. I have so many memories of Kodi, but only one picture of him looking out over our yard and the chickens. It's a really strange, almost sad feeling that you have when you realize the best years of your life are only in your memory and not something you can look at or share ..."





This picture was about Colt's dog, Melanie.





Handwritten text: "Hign H! my awr"



Education:

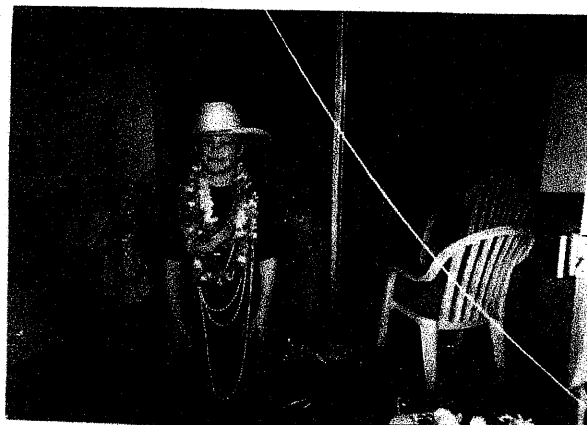
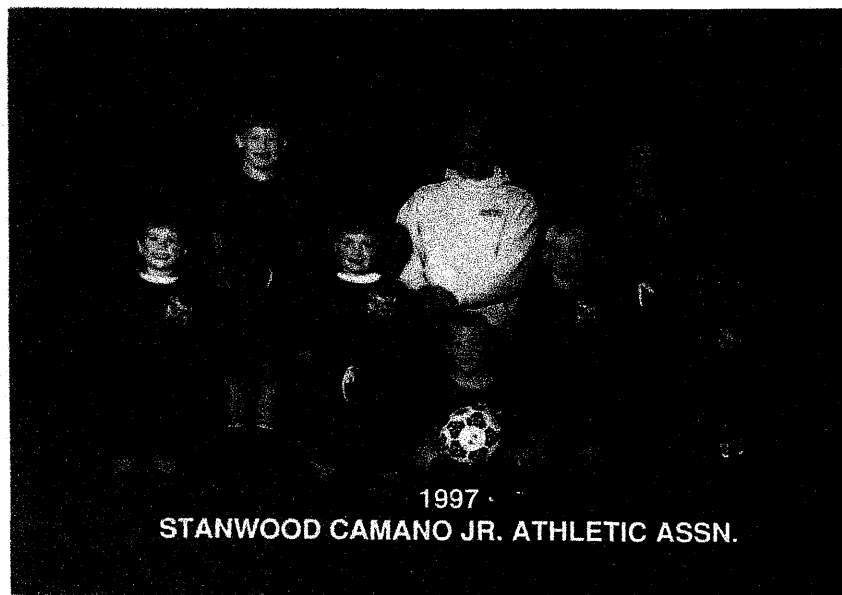
Pam had little regard for education and not only failed to encourage Colt to do well in school but served as an obstacle to his academic and social success. Pam didn't care whether Colt went to school regularly. He missed school 23 days in the 1st grade, 21 days in the 3rd grade and 34 days in the 5th grade. He was tardy 21 times in the 5th grade. This wasn't Colt's fault - he was a child. Seeing that Colt went to school and arrived on time was his mother's responsibility.

When Colt was only 3 years old he was identified as "developmentally delayed" and placed into Special Education Services intended to focus on 1) Behavior/Social issues, 2) Cognitive development, and 3) Speech and Language issues. Pam's recollection is that he was only in "speech class" and she claims to be unaware of any further issues.

Unfortunately, after preschool, Colt received no further services, despite documentation that he was being emotionally and physically mistreated. The school district clearly allowed Colt to slip between the cracks. Had he received the attention he needed and to which he was entitled, the direction in which his childhood and adolescence were propelled may well have been different.

Colt acted up in school, but according to records, was never perceived as mean-spirited or malicious toward others. Colt was a distracted, busy child who was socially awkward, having spent most of his life isolated. While his 1st grade report card makes references to his having problems keeping his hands to himself, following directions and with self-control, there also is an entry noting "Colt is so polite and kind-hearted. He has shown improvement in his academic work - but more self-control is needed. He has a great attitude." Colt was trying, and his underlying good nature was evident.

Colt had started playing beginner's soccer in about the 1st grade but had to quit in the 2nd grade because his mother didn't have a reliable car to take him to his practices. Pam claims that she couldn't take him to practice because she can't drive at night. Other parents would have given him a ride, but Pam didn't allow strangers to come up their driveway. This was a disappointment for Colt, who liked soccer and felt that he was a good player. Surely, the socialization was good for Colt. Five homework projects had been assigned that year, assumably requiring help from a parent, as he was only in the 2nd grade. None of those assignments were turned in by Colt.

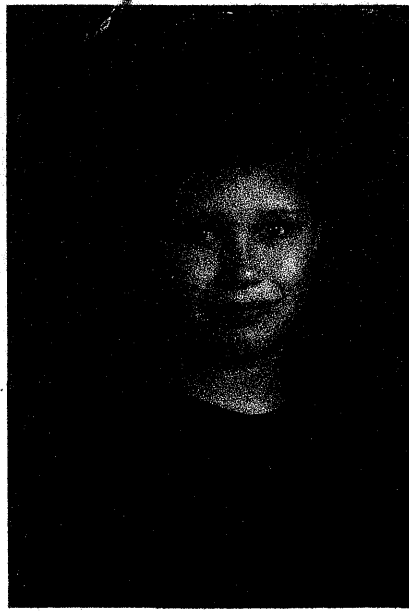


Colt started Cub Scouts and went for about a year until, again, Pam was no longer willing to take him to scout meetings, claiming that she couldn't afford the gas. He was in the 3rd grade at that point.

Colt has good memories of most of his elementary school teachers, but his 3rd grade teacher apparently added to Colt's anxiety. The class had begun a level of math beyond what they were familiar with and Colt was struggling with that. He asked the

teacher, Mrs. Bryant, for help and in Colt's words, "went crazy ... She yelled 'Why are you so stupid!' and wobbled over and flipped my desk over, causing all the papers and pencils to fall out." Another time, she was giving the class a test and again, Colt was having a hard time understanding the math. "I obviously couldn't do the test and she threw the whiteboard eraser at me."

Colt has no memory of his mother ever, once, helping him with homework or asking him about his day at school.



Colt recalls being embarrassed in the 5th grade when, outside the classroom window, a car passed towing a small travel trailer. One of the children yelled out "Hey Colt, there goes your house!" By that age, other students had started to notice that Colt wasn't dressed well and had only one parent, who was unstable.

Despite being teased about his home, mother and clothing, Colt loved school until middle school. Compared to being at home with Pam and her partner du jour, school was an oasis of sanity for Colt. School was an opportunity to feel normal. As Colt aged, school became more uncomfortable.

By the time Colt entered middle school his attendance had dropped considerably and he had lost motivation. He explains that because of financial limitations at home he was unable to dress in a manner that didn't invite ridicule from peers. He fell behind academically and, receiving neither support nor encouragement from Pam, he attended school only about half the time throughout middle school.

"Through middle school I had to deal with having a mom who couldn't care less and a nonexistent father. This made success in school impossible – how could I have been expected to do homework in that house? I am not one for blaming others for my problems whatsoever, but one position I will not change is in regards to my schooling and grades. My mom is directly and largely responsible for my failure there. The reason I didn't do good in school is that it was absolute hell for me. ...The real hell came I was in middle school, when fashion and name brand clothes determine what other people think about you. Living in a trailer in the woods didn't bode well for me, at the least. It got to the point where I literally had to stop taking the yellow school bus and start taking a separate bus, the island transit, into school before everyone else at about 7 a.m., 20-30 minutes before the school busses arrived, which allowed me to avoid most of the kids who loved nothing more than to make fun of me. Life at school was hell."

Will O'Farrell was Colt's friend from the 2nd grade until middle school when Colt's attendance dropped considerably. He never went to Colt's house, (likely because Colt was embarrassed and didn't want anyone to see his home,) but said that he knew it was a hovel. He recalls Colt's mother, terming her "a deadbeat – looney – she had a bad temper and was not a nice person". He recalls her yelling at Colt constantly and said that Colt and she never got along well. Though both he and Colt were young at that time, Will recalls having understood even then that Colt's mother was an alcoholic. "I can completely understand why he wouldn't want to be at home with his mom. He would just leave. He loved being outside and loved being in the woods."

According to Will, Colt was picked on mercilessly in elementary school "because he was so poor and it showed". He said that even though Colt was a big kid, he wasn't a fighter and wouldn't stand up to bullies. "He got bullied lots – it was really bad".

In class, Colt was “a little bit of a screw-off”, according to Will, “but he was never mean-spirited or just a jerk – he was really pretty good-natured”.

Will noted that even when they were children, “Colt seemed to have a moral compass, which is amazing, considering how bad his environment was. He could have been a lot worse. He really was abused and neglected but he’s never physically hurt anyone.”

Not surprisingly, Will commented also that as a child Colt loved airplanes and everyone who knew Colt knew that. Will’s family owned a Cessna 172, and Colt was fascinated.

Colt began acting up in school in late elementary into middle school. Not surprisingly, he began to hate school and acted up in class. He was suspended numerous times, but by then he didn’t care – nor did his mother.

CPS:

Remarkably, Pam claims that there were never any CPS referrals involving Colt. Records, however, reflect that by the time Colt was 15 years old, there had been no less than 12 CPS referrals regarding his welfare.

Records indicate multiple, attempted interventions, including strategies aimed at steering Pam into chemical dependency treatment but she wouldn’t cooperate. In 2003, when Colt was 12 years old, one social worker wrote: “Social worker has concerns regarding this child due to mother’s possible use of drugs or alcohol; this judgment due to the men and their habits that have been in Colton’s life.”

Pam has been and continues to be secretive – perhaps paranoid. Colt wasn’t allowed to talk to outsiders about family issues. A 2004 CPS entry notes, “Concern is registered that mother seems to be quite secretive in terms of allowing people to know what is going on at the home, and it is noted that she is very inconsistent in following through with more than the initial intake process ... Mother did not follow through with engaging in any services offered.”

Depression/Sleeplessness:

The fact that Colt was a sad, stressed little boy beginning in early elementary school is well documented. Colt articulates that as a child he could never understand why his family was so “different and darker” than those of his friends. He believes this to have been the reason he exhibited behavior issues. “I couldn’t process why my life was so different and what felt like impossible.”

Shauna Synder described what she termed Colt's "mind-numbing hopelessness" of life with Pam.

Witnesses report that Pam continuously berated Colt and told him he was "stupid". She told him that he would never amount to anything, would never graduate from school and would never fly airplanes. Colt became depressed early in his life.

When Colt was 10 years old he was evaluated at Compass Health and was diagnosed with ADHD, **Depression**, Intermittent Explosive Disorder and Parent-Child Relational Problem. Even at that early age Colt was reacting to the stress and frustration of life with Pam and her partners. An insightful clinician at that time wrote "Assertive, talkative 10-year-old who can become quite angry – but the situation with mother and her boyfriend drinking, living in a tiny trailer, mother drinking all the time and the physical abuse Colton has gotten from boyfriend makes his anger easy to understand." The report went on to say that "Parent states her drinking helps her deal with Colton and helps her stand up to him."

Dr. Young's 2007 report reflects further details of Colt's evaluation at age 12: "Colton endorsed many symptoms of depression at that time (2003) such as an inability to sleep for the past three years, and he states 'I am not happy, I am depressed. I could stay in bed all day. I need help. I am tired of this stuff.' Clinicians go on to indicate that 'There is a parent-child relational problem due to the level of conflict between mom and child. This conflict seems largely due to mom's drinking of alcohol.' The theme of conflict over the mother's drinking is continued in the notes: 'Colton wants mom to stop drinking and smoking, get a job, and have food in the house, mom refuses. Many inappropriate father figures in the home over the time, exposing Colton to domestic violence and drug and alcohol addiction/selling.'

Colt, insightfully, terms the next step as having been "medicated for my mother's issues". Records reflect that he was placed on an antidepressant at age 12. "However, Colton's mother did not follow through with recommended substance abuse screening or counseling services, did not participate in parenting classes and denied having a drinking problem, despite Colton's continued reports of mom's drinking episodes. Colt's mother has not been helpful in getting him to activities or programs available in their community nor has she been helpful in assisting him with school success." Not surprisingly, Pam didn't refill Colt's antidepressant medication, though clinicians, and Colt, felt that it was working for him.

Dr. Young's assessment, when Colt was 16 years old, was conducted while he was in detention in Coupeville. Keeping in mind that Colt had, throughout his childhood, reported problems sleeping, he now endorsed that he was sleeping somewhat better after being incarcerated (and away from his mother). He also noted that his sleep and mood had improved considerably during his prior six-months on the run (again, while away from his mother). Colt said that when he was at home his energy level is very low. "He reports that for many years he has felt depressed when he is around home and his mother, and his depressed feelings involved dysphoria, lethargy, a lack of motivation, and hopelessness. He also finds himself irritable and angry more often when he is at home." He expressed a fear that his mother wanted him to receive a lot of time behind bars. "His primary worry in life is 'my future'."

Colt's future:

There is every reason to believe that Colt will continue to be a problem-free inmate while incarcerated and that he will take advantage of every educational opportunity available to him. Colt can further his education while incarcerated and he intends to do that. He would have studied and tested for his GED while in the Federal Detention Center were that an option.

Colt wants to build a life he can feel good about and he's willing to work for it. Not surprisingly, Colt wants to design airplanes and he wants to fly. Well aware that there will be limitations to what he can accomplish professionally as a pilot because of his convictions, he is nevertheless eager to accomplish whatever is available to him within those perimeters.

Colt has tremendous potential and a good attitude in terms of his willingness to make sacrifices and work for the life he wants. Colt doesn't want to be a criminal.

Summary:

While Colt's transgressions are certainly to be taken seriously, no one was physically harmed.

Colt is genuinely and sincerely remorseful about the impact that his actions had upon so many people. He is especially troubled at having learned that he caused people to be fearful. He never intended that. Colt's criminal acts resulted in tremendous property loss and inconvenience to his victims. No one was hurt or died, however. Colt is making every effort to make amends to his victims with no desire whatsoever to profit personally. He is immensely pleased at having been blessed with the opportunity to make amends, financially.

While again, Colt takes full responsibility for his actions, the course of his childhood and adolescence was surely shaped in large part by failures of both 1), the school system, for not reassessing him for continued Special Education resources and by 2), CPS, for their failure to recognize the toxic effect that Colt's life with his disturbed, alcoholic mother and her revolving, violent boyfriends was having on the child. Neither the school district nor CPS followed through. Colt slipped through the cracks and his mother wanted it that way.

Perhaps the saddest irony of this case would be the damage done to Colt, should he be faced with a prison sentence so lengthy that it breaks his spirit or causes him to become institutionalized. Colt's abysmally poor choices were a result first of his struggle to escape his horrendous home life with Pam. His actions are neither an artifact of an antisocial personality nor lack of empathy.

Given a reasonable sentence, there is every reason to believe that Colt will make the most of his time behind bars, prove himself a model inmate, then work hard to become a self-sufficient, contributing citizen after his release.

This story could well end on a most positive note, with Colt repaying his debt to his victims and society, then turning his life around and living well. A reasonable sentence may well facilitate a positive, successful resolution to this remarkable story.

US v. Colton Harris-Moore

Mitigation: Attachment

The attached CD is a recording of telephone messages left for Mitigation Investigator Pamela Rogers by Colton Harris-Moore's mother, Pam Kohler over a period of about 24 hours during August, 2011.

The point of presenting these short recordings is merely to provide the Court with a small window into the nature of what Mr. Harris-Moore endured throughout his childhood in the care of Ms. Kohler.

Ms. Kohler's drinking and verbal and emotional abuse of Mr. Harris-Moore are integral to mitigation. It is appropriate that the Court be provided this insight.

The short prelude to the recordings explains the situation under which they were made.

Phones Calls between Ms. Kohler and Mitigation Specialist (Pamela Rogers)

Call Number	Date	Length (Approx.)	Excerpts
1	08/08/2011	17 seconds	"Pissed off" that pictures not returned in person. "Mail 'em!"
2	08/08/2011	36 seconds	Not happy did not get pictures back (pissed off). Will sue if any of the pictures/items show up in books or media as agreement was only for Court. "Call me!"
3	08/08/2011	36 seconds	Still waiting for a call. Wants a call today or will be calling her lawyer.
4	08/08/2011	28 seconds	"You better call me back Goddamn it!" Wants tracking number. Threatens to call all the Oregon and Washington Places that license her.
5	08/08/2011	52 seconds	"I want the tracking number today." Call me and give me the Goddamn tracking number – today!" "You are going down, broad." Will call every hour if has to.
6	08/08/2011	47 seconds	Will call every hour. "Call me!" "I'll destroy your ass!" Quotes license number. "You will be turned in tomorrow if I don't have 'em by tonight."
7	08/08/2011	42 seconds	"You drove here to get that box of pictures. I think you can drive back here to return 'em. Now! I'll come looking for you and you will not be happy when you see me." Pictures are family heirlooms.
8	08/08/2011	24 seconds	Going to report box of photos as stolen to Portland and Seattle.

Table created by Loreli Thompson, PhD on 08/31/2011

Phones Calls between Ms. Kohler and Mitigation Specialist (Pamela Rogers)

Call Number	Date	Length	Excerpts
9	08/08/2011	37 seconds	Wants tracking number. Reporting box as stolen to Portland and Seattle police. "You better call me back lady."
10	08/08/2011	47 seconds	Wants box back. Wants her to drive it up to her. (Noise in background – TV?) "You stole it."
11 (<i>Due to quality of recording, this may still be part of call # 10</i>)	08/08/2011	13 seconds	Indicates she should be driving box back now. "I'll destroy your fuckin' ass."
12 – <i>Per Ms. Rogers, next 2 calls received after Ms. Kohler had signed for the disputed package</i>	08/09/2011	26 seconds	"Get ready to lose your Goddamn license in Washington State, bitch. I'm goin' after you. And I know what you and John and Colton had planned. So, ahh, I'm selling my property and I'm getting outta here. I've had it. You are a fucking bitch. You are going down!"
13	08/09/2011	45 seconds	"You will owe me 250 dollars per picture. I will be sending you a Goddamn bill and if you don't pay it, I'll call my lawyer."

Table created by Loreli Thompson, PhD, on 08/31/2011